

State of Hawaii
Requests to Waive Statutory and Regulatory Requirements under the Workforce
Investment Act (WIA)

The State of Hawaii, Department of Labor and Industrial Relations, will be submitting three requests to the U.S. Department of Labor to waive statutory and regulatory requirements under the Workforce Investment Act. The requests are being posted on this website for at least 30 days for public review and comment. These waivers, if granted, will be included in the State of Hawaii 2012 Integrated Workforce Investment Act and Wagner Peyser State Plan as modified.

If you have any comments regarding the requests, please email them to: Cynthia.Y.Nakamura@hawaii.gov by August 30, 2013.

HAWAII STATE REQUEST FOR WAIVER

Request to Waive Requirement of Providing Assistance to Local Areas With High Concentration of Eligible Youth

The State of Hawaii is submitting a request to waive the requirement of providing assistance to local areas that have high concentrations of eligible youth. Due to a severe limitation on statewide funds, Hawaii is requesting that financial assistance not be distributed to identified local areas. This waiver was granted for Program Year 2012 and the State is requesting an extension of the waiver.

Identify the Statutory or Regulatory Requirements to be Waived

Section 129 (b)(2)(C) of the Workforce Investment Act and 20 CFR 652 § 665.200(h) require the provision of additional assistance to local areas that have high concentration of eligible youth to carry out the activities described in subsection (c), Local Elements and Requirements. State Administrative Funds capped at 5% and a decrease in the total allotment of funds for Youth Programs have greatly reduced the funds available to carry out this requirement. In the past, amounts of \$2,000 were available for two of the four local areas: Hawaii County received \$1,500, while Maui County received \$500. The administrative costs to gather relevant data, calculate the distribution of funds, and modify agreements to incorporate such amounts far outweigh the actual benefit to the receiving agencies.

State or Local Statutory and/or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the requested waiver.

Goals to be Achieved by the Waiver

In the past, only two Local Areas benefited from the \$2,000 set aside for serving a high concentration of eligible youth. With a decrease in the funding of WIA, it is anticipated that less than \$2,000 may be available for this purpose. The funds will be better utilized by providing technical assistance to all local areas in meeting youth performance goals.

As stated above, the administrative costs at the State level, at a minimum, will involve time spent by a program specialist, accountant, and Deputy Attorney General to gather relevant information, calculate the distribution of funds, and modify agreements to include the small amount of additional funds to local areas. Similar staff time will be spent at the local level to prepare budgets that reflect the additional funds and process modifications to existing agreements. The cost to prepare these modifications outweighs the benefits.

The 5% maximum in State administrative funds, estimated to be approximately \$350,000, will create great hardship for the State to carry out all responsibilities. Eliminating the need to distribute small amounts of incentive funds will assist the State in focusing on responsibilities that will have a greater impact on the State, while preserving the basic functions of the statewide workforce investment system.

Programmatic Outcomes by the Waiver

The waiver will allow the DLIR to provide technical assistance to all local areas instead of conducting administrative paperwork that will have minimal impact on only half the local areas. In addition, the waiver will allow the State greater flexibility in directing funds for required activities are deemed most essential to Hawaii's eligible youth.

Impact on Individuals by the Waiver

There will be no discernible impact on participants.

Monitoring the Waiver's Implementation

The Workforce Development Council will be responsible for monitoring the effectiveness of the waiver on the Local Areas. If there is an increase in the funds allotted to the State, the need for this waiver will be evaluated and the waiver may be rescinded.

Notice and Opportunity to Comment

This waiver request has been posted on the Workforce Development Division [website](#) for public and board review, with notices to members of the State Council and Local WIBs, on July 31, 2013.

HAWAII STATE REQUEST FOR WAIVER:

To Eliminate Incentive Grants to Local Areas For Regional Cooperation and Local Coordination

Statutory and Regulatory Requirements to be Waived.

WIA §134(a)(2)(B)(iii) and WIA Regulations at 20 CFR §665.200(e)(1) and (2) require, as statewide workforce investment activities, providing incentive grants (1) to local areas for regional cooperation among Local Boards and (2) for local coordination of activities carried out under WIA.

Furthermore, under 20 CFR §661.290, it states that the State may require Local Boards within a designated region (1) Participate in a regional planning process that results in regional performance measures for workforce investment activities under title I of WIA. Regions that meet or exceed the regional performance measures may receive regional incentive grants; (2) Share, where feasible, employment and other types of information that will assist in improving the performance of all local areas in the designated region on local performance measures; and (3) Coordinate the provision of WIA title I services, including supportive services such as transportation, across the boundaries of local areas within the designated region.

The Hawaii Department of Labor and Industrial Relations (DLIR), the state administrative entity for the Workforce Investment Act (WIA), requests a waiver to eliminate the requirement to provide incentive grants to local areas for regional cooperation among local boards and for local coordination of WIA activities.

In implementing this waiver, the DLIR will ensure that local areas' performance information is recorded accurately, One-Stop operations are made more efficient and responsive to customers, and the youth programs receive additional technical assistance.

This waiver request follows the format identified in WIA §189(i)(4)(B) and WIA Regulations at 20 CFR §661.420(c).

State or Local Statutory and/or Regulatory Barriers.

There are no state or local statutory or regulatory barriers to implementing the award or the waiver.

Goals to be achieved by the Waiver.

The following goals will be achieved with the approval of the waiver request:

- The funds will be put to better, more productive use by streamlining (1) the management accountability information system and (2) providing more technical assistance to youth service providers and local monitors in local areas having poor performance; and
- Data entry by the local areas will be more accurate, which will improve the performance measures. Historically, Hawaii's poor data entry has meant successful outcomes have not been consistently reported. Local workforce investment boards and their staff will eliminate the Coordination/Cooperation incentive application process from their workload.

Programmatic Outcomes by the Waiver.

The waiver will create administrative efficiencies for both the DLIR and the local areas by eliminating the incentive award application process and requiring fewer contract amendments and modifications.

Impacts on Individuals by the Waiver.

Employers and WIA participants will be empowered to select and use the services of the One-Stops more independently. Through the HireNet Hawaii system, potential WIA participants can self-identify and access WIA services. Individual youth will receive better service and outcomes due to technical assistance targeted toward them.

Monitoring the Waiver's Implementation.

The Workforce Development Council will be responsible for monitoring the effectiveness of this waiver on the Local Areas. The WDC will periodically request information from the Local Areas on how this specific waiver is being effectuated in the Local Area. From these monitoring reports, the WDC will determine whether this specific Waiver will continue to be requested in future extensions of the State Plan.

Notice and Opportunity to Comment.

This waiver request has been posted on the Workforce Development Division website for public and board review, with notices to members of the State Council and Local WIBs, on July 31, 2013.

HAWAII STATE REQUEST FOR WAIVER:

To Eliminate the Requirement of Evaluation of Workforce Activities for Adult, Dislocated Workers and Youth

Statutory and Regulatory Requirements to be Waived.

WIA §134(a)(2)(B)(ii) and WIA Regulations at 20 CFR §665.200(d) require the conduct of an evaluation of workforce investment activities for adults, dislocated workers and youth, in order to establish and promote methods for continuously Improving such activities to achieve high-level performance within, and high-level outcomes, from the Statewide workforce investment system. Evaluations must be designed and conducted in conjunction with the State and Local board, and must include analysis of customer feedback, outcome and process measures in the workforce investment system.

The Hawaii Department of Labor and Industrial Relations (DLIR), the state administrative entity for the Workforce Investment Act (WIA), requests a waiver to eliminate the requirement of conducting such evaluations.

This waiver request follows the format identified in WIA §189(i)(4)(B) and WIA Regulations at 20 CFR §661.420(c).

State or Local Statutory and/or Regulatory Barriers.

There are no state or local statutory or regulatory barriers to implementing the award or the waiver.

Goals to be achieved by the Waiver.

The restriction of 5% of the State allotment for administrative purposes, estimated to be approximately \$350,000, will create great hardship for the State and its ability to carry out all required statewide workforce investment activities. The current funding level is insufficient to cover the costs of evaluation and incentive grants to the local areas. Eliminating the need to conduct evaluations by staff already reduced by budget cuts will allow the State to focus on responsibilities that will have a greater impact on the State, while preserving the basic functions of the statewide workforce investment system.

Programmatic Outcomes by the Waiver.

The waiver will create administrative efficiencies for both the DLIR and the local areas by eliminating the information gathering and analysis necessary for the evaluation. The State will continue to conduct on-site and desk reviews of the local areas for compliance issues, performance and outcomes and disseminate relevant information obtained through the workforce development system. To encourage continuous improvement in the workforce development, there will be quarterly sessions with the local areas to address any current issues/directions, sharing of best practices and coordination with local partners at the state and local areas. The Department of Labor and Industrial Relations will also continue to foster coordination and collaboration with partners in the educational system and the private sector to strive for high quality workforce development activities and effective use of all federally funded efforts in Hawaii.

Impacts on Individuals by the Waiver.

This waiver will allow the state more flexibility in directing the limited state administrative funds to activities that best preserve basic functions of the statewide workforce investment system.

Monitoring the Waiver's Implementation.

The State will review the effectiveness of not conducting formal evaluations of the local areas and their programs through quarterly performance and financial reports of activities, customer satisfaction surveys and discussions with local areas.

Notice and Opportunity to Comment.

This waiver request has been posted on the Workforce Development Division [website](#) for public and board review, with notices to members of the State Council and Local WIBs, on July 31, 2013.